

FILED: May 14, 2021

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 20-1119 (L)  
(1:16-cv-00375-AJT-JFA)

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ANAS ELHADY; OSAMA HUSSEIN AHMED; AHMAD IBRAHIM AL HALABI; MICHAEL EDMUND COLEMAN; MURAT FRLJUCKIE; ADNAN KHALIL SHAOUT; WAEL HAKMEH; SALEEM ALI; SAMIR ANWAR; JOHN DOE, No. 2; JOHN DOE, No. 3; SHAHIR ANWAR; BABY DOE, 2; YASEEN KADURA; HASSAN SHIBLY; AUSAMA ELHUZAYEL; DONALD THOMAS; IBRAHIM AWAD; MUHAMMAD YAHYA KHAN; HASSAN FARES; ZUHAIR EL-SHWEHDI; JOHN DOE, No. 4; MARK AMRI

Plaintiffs - Appellees

v.

CHARLES H. KABLE, Director of the Terrorist Screening Center, in his official capacity; KELLI ANN BURRIESCI, Principal Deputy Director of the Terrorist Screening Center in her official capacity; TIMOTHY P. GROH, Deputy Director for Operations at the Terrorist Screening Center in his official capacity; DEBORAH MOORE, Director of Department of Homeland Security Traveler Redress Inquiry Program in her official capacity; NICHOLAS J. RASMUSSEN, Director of the National Counterterrorism Center in his official capacity; DAVID PEKOSKE, Administrator of the Transportation Security Administration in his official capacity; CHRISTOPHER WRAY, Director of the Federal Bureau of Investigation in his official capacity; KEVIN K. MCALLEENAN, Acting Commissioner of United States Customs and Border Protection in his official capacity

Defendants - Appellants

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THE RUTHERFORD INSTITUTE; CATO INSTITUTE; FRED T. KOREMATSU CENTER FOR LAW & EQUALITY; FIREARMS POLICY COALITION, INC.; FIREARMS POLICY FOUNDATION; JEFFREY KAHN; ELECTRONIC FRONTIER FOUNDATION; MUSLIM ADVOCATES; AMERICAN CIVIL LIBERTIES UNION; AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE; ARAB AMERICAN INSTITUTE; BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW; CENTER FOR CONSTITUTIONAL RIGHTS; CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY PROJECT AT CITY UNIVERSITY OF NEW YORK; SIKH COALITION

Amici Supporting Appellees

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No. 20-1311  
(1:16-cv-00375-AJT-JFA)

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ANAS ELHADY; OSAMA HUSSEIN AHMED; AHMAD IBRAHIM AL HALABI; MICHAEL EDMUND COLEMAN; MURAT FRLJUCKIE; ADNAN KHALIL SHAOUT; WAEL HAKMEH; SALEEM ALI; SAMIR ANWAR; JOHN DOE, No. 2; JOHN DOE, No. 3; SHAHIR ANWAR; BABY DOE, 2; YASEEN KADURA; HASSAN SHIBLY; AUSAMA ELHUZAYEL; DONALD THOMAS; IBRAHIM AWAD; MUHAMMAD YAHYA KHAN; HASSAN FARES; ZUHAIR EL-SHWEHDI; JOHN DOE, No. 4; MARK AMRI

Plaintiffs - Appellees

v.

CHARLES H. KABLE, IV, Director of the Terrorist Screening Center, in his official capacity; KELLI ANN BURRIESCI, Principal Deputy Director of the Terrorist Screening Center in her official capacity; TIMOTHY P. GROH, Deputy Director for Operations at the Terrorist Screening Center in his official capacity; DEBORAH MOORE, Director of Department of Homeland Security Traveler Redress Inquiry Program in her official capacity; NICHOLAS J. RASMUSSEN, Director of the National Counterterrorism Center in his official capacity; DAVID P. PEKOSKE, Administrator of the Transportation Security Administration in his official capacity; CHRISTOPHER ASHER WRAY, Director of the Federal Bureau of Investigation in his official capacity; KEVIN K. MCALLENAN,

Acting Commissioner of United States Customs and Border Protection in his official capacity

Defendants - Appellants

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THE RUTHERFORD INSTITUTE; CATO INSTITUTE; FRED T. KOREMATSU CENTER FOR LAW & EQUALITY; FIREARMS POLICY COALITION, INC.; FIREARMS POLICY FOUNDATION; JEFFREY KAHN; ELECTRONIC FRONTIER FOUNDATION; MUSLIM ADVOCATES; AMERICAN CIVIL LIBERTIES UNION; AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE; ARAB AMERICAN INSTITUTE; BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW; CENTER FOR CONSTITUTIONAL RIGHTS; CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY PROJECT AT CITY UNIVERSITY OF NEW YORK; SIKH COALITION

Amici Supporting Appellees

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#### TEMPORARY STAY OF MANDATE

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Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b), the mandate is stayed pending further order of this court.

/s/Patricia S. Connor, Clerk